Independent claim 1 requires, *inter alia*, "prompting input of process steps and a plurality of potential selections associated with each of the process steps ... to create a software tool". Batch fails to teach or suggest prompting input of both process steps, and potential selections associated with the process steps for creating a software tool as claimed by independent claim 1.

Applicant submits that the teachings of Batch clearly do not disclose or suggest the process steps and/or potential selections associated with the process steps claimed in the present application. Fundamental to the method in Batch is that the input data and control inputs <u>are simply values or parameters used in the execution of already defined software tools</u>. Specifically, Batch requests "inputs when inputs to a software tool being executed are required" (column 8, lines 40-46). Moreover, Batch requests "items which the user must add as inputs ... [and inhibits] further operation of the tool ... until the user makes such required inputs" (column 4, lines 61-64).

As such, the inputs of Batch are simply data or parameters required for the execution of an already defined software tool. This is distinguished from the prompting for the input of both (1) <u>process steps</u> and (2) <u>potential selections associated with each process step</u> as claimed in claim 1. To state it another way, Batch <u>requests input of parameters and values</u> for use in the execution of already <u>defined process steps</u> within an already <u>defined software tool</u>. On the other hand, claim 1 requires prompting for the input of <u>process steps themselves</u> and potential selections associated with each of the process steps for use in the creation of a <u>new software tool</u>. Therefore, Batch does not teach or suggest "prompting input of process steps and a plurality of potential selections associated with each of the process steps ... to create a software tool" as is claimed in independent claim 1. Further, Applicant submits that independent claims 20, 36, and 44 are also allowable for reasons somewhat similar to those give above with respect to claim 1.

Applicant advances that the dependent claims are allowable for the reasons previously set forth regarding their respective independent claims. Additionally, claim 15, for example, further defines additional distinguishing characteristics of the present application. The invention in Batch is used to "control and manage the sequencing of various computer programs, which may also be referred to hereinafter as software tools" (column 6, lines 27-30). However, this is distinguished from claim 15, which recites that it is the software tool created by the claimed method, which "sequentially conveys... input process steps and prompts selection of a potential selection for each process step." As such, Batch is distinguished from the method of creating the software tool claimed in claim 15.

In light of the above arguments, Applicant submits that independent claims 1, 20, 36, and 44 of the present application are not anticipated or rendered obvious to one skilled in the art by Batch. Consequently, Applicant contends that claims 2-19, 21-35, 37-43, and 44-65 are allowable at least by their dependence on allowable independent claims 1, 20, 36, and 44. Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

Rejections Under 35 U.S.C. § 103(a)

Claims 3, 18, 23-25, 35, 38, 49, 58, 60, and 62 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Batch. Claims 16, and 55-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Batch in view of Fontana et al. (Fontana) (U.S. Patent No. 6,170,081). Applicant respectfully submits that these claims rejected under 35 U.S.C. § 103(a) are allowable at least by their dependence on allowable independent claims 1, 20, 26, and 44 as set forth above. Applicant advances that a combination of any of the references of record with Batch still does not

teach the invention, as claimed. More particularly, Applicant submits that such a combination still fails to make up for the previously mentioned deficiencies of Batch. Applicant respectfully requests that the Examiner withdraw these art grounds of rejection.
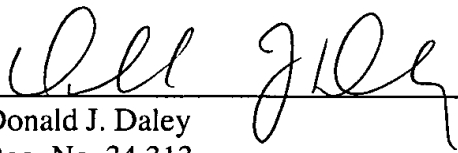
CONCLUSION

All objections and rejections being overcome, it is submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. In the event that any outstanding matters remain pending in this application, Applicant requests that the Examiner contact the undersigned at (703) 390-3030 to discuss such matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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